

VEER NARMAD SOUTH GUJARAT UNIVERSITY

LL.M.

ORDINANCES - REGULATIONS AND SYLLABUS FOR LL.M. DEGREE
(PROPOSED)

CHOICE BASED CREDIT AND SEMESTER SYSTEM WITH EFFECT
FROM JULY 2011

O. LL.M.-1 : Eligibility

- (1) A candidate who has passed LL.B. Degree examination (Third Year LL.B.) of the Veer Narmad South Gujarat University or an examination of other recognized University accepted by this University as equivalent thereto. The candidate who have secured at least 50% marks aggregate in the third year degree of the University examination shall be eligible for admission. The merit list marks however shall exclude marks obtained in practical training (clinical courses) papers. The eligibility regulation is subject to modification with introduction of the choice based credit system in the LL.B.(UG) Programme. Candidates who have passed Five Year Integrated course in LL.B. after 12th standard or its equivalent or 10+2 or its equivalent from a recognized Board/University, provided he/she has secured at least 50% marks in external examination or with equivalent grade in the fifth year degree shall be eligible for admission.
- (2) A candidate who has passed LL.M. examination from any other University shall be eligible for admission only to the First semester of LL.M. Programme of this University as a fresh student. Grades/Credits/marks obtained in LL.M. outside Veer Narmad South Gujarat University will not be considered for award of LL.M. Degree.
- (3) A candidate who has obtained LL.M. degree of Veer Narmad South Gujarat University in one area of specialization will be eligible for admission in First semester of LL.M. with another area of specialization only as a fresh student. Grades/Marks/Credits obtained in LL.M. in previous area of specialization will not be considered or carried forward nor any exemption in any paper will be given.
- (4) The registration of the candidate in the LL.M. programme shall be normally for a period of five years from the date of registration.
- (5) In case the the student is unable to pass the LL.M. programme till the expiry of the registration will have to re-register in the LL.M. programme as a fresh student as per provision(1).
- (6) In a case a candidate who drops out of the programme voluntarily for any reason whatsoever and opts to join any other program by obtaining a Transfer and/or Migration Certificate, the registration of the candidate in the LL.M. programme shall stand automatically cancelled.

O. LL.M.-2 : Admission Procedure

The admission to the LL.M. programme shall be made following such procedure as may be prescribed by the Veer Narmad South Gujarat University from time to time. The General Rules and Instructions for PG admissions prescribed by the University shall be followed.

O. LL.M.-5 : Reservation

The rules of reservation in LL.M. admissions as in force set by the Government of Gujarat, the University and any other competent authority shall be followed.

O. LL.M.-6 : Conditions for eligibility to appear in End Semester External Examination

A candidate shall be eligible to appear in the End Semester External examination conducted by the University provided.

(1) Attendance :

A candidate has secured not less than 75% attendance arrived at by taking into account total number of lectures engaged, in each and every paper of the semester.

Relaxation in the requirement for semester attendance will be allowed on account maternity or any other medical reason deemed sufficient by the Head/Principal/ Professor-in-charge of the institution. Appropriate medical certificate shall have to be submitted by the candidate within reasonable time frame. The candidate shall be eligible to appear in the End Semester Examination for the semester in which such relaxation is granted to the candidate.

(2) The candidate has secured minimum requisite marks for passing in the internal test, attendance, seminar, assignment and all other forms of continuous assessment.

O. LL.M.-7 : Eligibility for award of LL.M. Degree

The course of LL.M. Degree shall be of two year duration comprising of four semesters. LL.M. degree shall be awarded to the candidate upon successful passing of all the four semesters before expiry of the period of LL.M. registration.

LL.M. REGULATIONS (PROPOSED)

R. LL.M.-1 : Course Structure

- (1) The LL.M. Programme shall be full-time post-graduate programme of two year duration comprising of four semesters. The medium of instruction shall be English. The student may however write their examination in Gujarati/Hindi as per the University provision.
- (2) The LL.M. Programme comprising of four semesters with Semester-I and Semester-II in the First Year of the Programme and Semester-III and Semester-IV in the second year of the Programme. The Semester-I and Semester-III (odd semesters) shall ordinarily be from July to November/December and the Semester-II and Semester-IV (Even semesters) from December to April/May.
- (3) The LL.M. programme shall consist of total 96 credits, divided equally into 24 credits per semester. Each semester shall be of at least 15 teaching weeks.
- (4) There will be different elective areas of specialization as per the syllabus of the respective group. The University, however, reserves the right to allot admissions to respective LL.M. (P.G.) Centres on the basis of adequacy of teaching and other requisite infrastructural facilities. The University reserves the right to offer new areas of specialization and/or withdraw the existing areas of specialization.

A candidate can opt for any of the elective group specialization offered for admission. The admissions shall be merit-based and change of elective group specialization will not be allowed in the duration of the programme.

- (5) The LL.M. programme shall comprise of following types of papers/courses.
 - (i) Core courses : Six Core (foundation) papers will be common for all elective specialization groups.
 - (ii) Elective Course : Twelve elective course papers for each of the specialization group.
 - (iii) Dissertation, Doctrinal Research, Non-Doctrinal Research, Clinical Research Report and Class-room Teaching shall be compulsory for all elective specialization groups in Semester-IV which shall consist of 24 credits in which there will be 8 credits for Dissertation, 4 credits each for Doctrinal Research, Non-Doctrinal Research, Clinical Research Report and Class-room Teaching.

R. LL.M.-2 : Passing and Carrying forward the Semesters

Rules for carrying the semesters are given below -

- (1) A candidate must have at 75% of attendance in the each semester of the LL.M. programme and shall have satisfactory performance in class participation, seminar, assignment of each paper and must have appeared in the internal written test, to be

eligible for grant of the respective semester except Semester-IV in which there will be no internal test.

- (2) A candidate for Semester-I if granted as prescribed in (1) above shall be allowed to proceed to Semester-II.
- (3) A candidate shall be allowed to proceed in Semester-III only after fully passing either or both Semester-I and Semester-II.
- (4) A candidate shall be allowed to proceed to the semester-IV only after fully passing both Semester-I and Semester-II and his/her Semester-III has been duly granted.
- (5) The candidate shall be eligible for the award of LL.M. Degree after successfully passing all papers/courses of Semesters I, II, III & IV. The candidate will be allowed to appear in the respective End-Semester Examination during validity of his LL.M. registration.
- (6) There shall be no ATKT or provision for exemption in the LL.M. Programme.
- (7) A candidate who fails in a paper/course due to failure in obtaining minimum marks in the internal head of the paper/course, the marks obtained in attendance, class participation seminar, Assignment, Internal test shall be carried forward till date validity of the registration and the terms granted continue.
- (8) The University Rules with regard to gracing of marks shall be followed.

R. LL.M.-3 : Assessment and Examination

- (1) Each paper/course will be assessed on basis of 100 marks. The marks will be divided into two heads internal assessment and external examination.

Assessment System

Sr. No.	Type of Course	Total marks	Internal	External (Uni. Exam)
1.	Core (4 Credits each)	100	30	70
2.	Elective (4 Credits each)	100	30	70
3.	Dissertation (8 Credits)	200	--	140 Written + 60 Viva
4.	Project/Practical Work	100	--	100
	Doctrinal Research (4 Credits)			
	Non-Doctrinal Research (4 Credits)			
	Clinical Research Report (4 Credits)			
	Class room Teaching (4 Credits)			

- (2) There shall be external examination (University examination) of each paper/course of 70 marks in every semester. For Dissertation, the assessment weightage shall be 140 marks for written thesis and 60 marks for Viva voce and for Practical/Project work namely Doctrinal Research, Non-Doctrinal Research, Clinical Research Report and Class room Teaching, the weightage shall be total 100 marks of which 25 marks for each component of the Practical/Project Work.
- (3) Each paper/course shall have internal assessment of 30 marks with weightage based on the following -

Internal Assessment

Internal Written Test	:	15 marks
Attendance	:	05 marks
Seminar	:	05 marks
Assignment	:	<u>05</u> marks 30 marks

- (4) Every student will be required to pass in the external examination and the internal assessment separately, securing minimum passing marks in each head of the paper/course, internal and external.
- (5) The minimum passing mark will be 28 marks out of 70 marks for the external examination and 12 marks out of 30 marks for the internal assessment. i.e. 40 marks in each paper/course and shall also secure at least 50% total aggregate marks in each Semester, to pass in the respective semester.

Further, for dissertation the minimum passing marks will be 40% and for Practical/Project work (doctrinal research, non-doctrinal research, clinical research report and class room teaching) the minimum passing mark will be 40% i.e. a candidate will have to secure at least 80 marks out of 200 in dissertation and 40 marks out of 100 in Practical/Project Work i.e. doctrinal research, non-doctrinal research, clinical research report and class room teaching.

A candidate who secures at least 50% marks in Dissertation and 50% marks in Practical/Project (doctrinal research, non-doctrinal research, clinical research report and class room teaching) these marks shall be carried forward till the expiry of the LL.M. registration. In case the candidate fails to secure 50% in the Dissertation and/or 50% marks in the Practical/Project Work, he/she shall have to submit the Dissertation and/or Practical Project Works, a fresh in the subsequent Academic Year during the validity of his/her registration, and his/her term granted have not lapsed.

- (6) Failure in internal assessment of any paper/course shall debar the student from appearing in the End-Semester University Examination of the respective semester. Examination forms if sent to the University shall be withdrawn in such cases.

A candidate who has secured minimum passing marks in the internal component of any paper/course such internal marks shall be carried forward till the expiry of LL.M. registration of that candidate.

- (7) If a candidate fails to clear internal assessment of a paper/course in any semester, the candidate shall be allowed to clear the internal assessment of that particular paper/course in the respective semester of the subsequent academic year by payment, of full semester fees with University prior approval, upon such candidate's written request.

Such candidate upon clearing the internal assessment he/she will be allowed to appear in the End-Semester Examination after payment of all examination fees/dues. For such candidates the current prevailing syllabus of each paper/course shall be applicable.

(8) Each core and elective paper in a semester shall have 4 credits with 3 hours of class lectures and 1 hour of seminar/assignment/class participation per week. One credit will be equal to one contact hour per week.

(9) The University grading system shall be uniformly applied as under for all specialization groups.

(i) for Core and Elective Papers/Courses

Out of 70 marks (External examination) and out of 30 marks (Internal assessment)

(ii) for Dissertation

Out of 140 marks (Written thesis)

Out of 60 (Viva)

Total 200 marks

(iii) Practical/Project Work : Out of 100 (doctrinal research, non-doctrinal research, clinical research report and class room teaching.

(10) The calculation of SGPA and CGPA shall be followed as per the University System

(11) Odd Semester examinations will be held normally in November/December and Even semester examinations will be held in April/May.

(12) A candidates who has secured 60% and above will be awarded first class.

A candidate who has secured 70% and above will be placed in First class with Distinction.

A candidate who has secured less than 60% will be placed in Second class.

Class will be awarded on basis of CGPA only.

Class will be awarded to only those students who have passed all the papers of each semester in their first attempt.

Students who have passed with more than one attempt in any semester will be declare to have passed their examination in pass class only.

Candidates who have secured less than 50% aggregate marks will be declared fail.

R. LL.M.-4 : Syllabi Revision

- (1) Syllabus of every paper/course shall be generally revised every three years. For example syllabus changed in 2011 will be normally revised in 2014.
- (2) Revised syllabi of each semester shall be implemented in sequential manner.
- (3) In a paper/course where units/topics/subject relate to government provisions, regulations legislations, enactments etc., such changes in the syllabi will be accommodated automatically, with information through University by requisite resolutions of the University's academic bodies, to the respective P.G. Centres of the affiliated Colleges.
- (4) All requisite formalities for revision in the syllabi shall be completed before the end of the 2nd/4th semester, for implementation in the subsequent academic year.
- (5) For revision of syllabi in every paper/course, upto 25% of revision may be ordinarily made so as to ensure that the students who have studied the old syllabi can also appear for examination in the revised syllabi in which ordinarily 75% of the old syllabi is retained.
- (6) In case the syllabus of any paper/course is carried forward without any change, it shall be included in the revised syllabi.
- (7) Areas of new, additional and of contemporary relevance and courses of elective optional groups of specialization may be introduced on basis of requisite resolutions by the University's competent academic bodies.

R. LL.M.-5 : Format of Question Paper

Each question paper of 70 marks of External (University) Examination will be 3 hours duration and will comprise generally of Five questions, each question will be ordinarily of 14 marks. The questions normally will be in nature of analytical elaborate long questions and short questions.

Each question paper of Internal assessment of 30 marks will be of 2 hours duration and will generally comprise of 3 questions (10 marks each) and the questions will ordinarily be of the same nature as External (University) examination.

R. LL.M.-6 : Dissertation and Practical/Project Work

The dissertation topic and the topics for the Doctrinal Research and the Non-Doctrinal Research shall be approved the Committee (of at least 5 members) of the post-graduate teachers and Professor-in-Charge of the P.G. Centres of affiliated Colleges. The student shall submit for approval the topics on which he proposes to work to the Professor-in-Charge of the respective P.G. Centres of the affiliated colleges, not later than 20th December of the respective academic year. Such proposals shall be approved by the Committee formed and the approval shall normally be communicated to the students by the end of December of the

respective academic year. In case the topic/s proposed by the student is/are not approved, he/she may propose other topics.

A students desiring to appear at the LL.M. Semester-IV Examination shall have to submit his/her dissertation and Practical/Project Work (doctrinal research, non-doctrinal research and clinical research report) not later than 20th April of the respective academic year. Three copies of dissertation shall be submitted in type written or printed format alongwith one copy each of the practical/project work namely doctrinal research, non-doctrinal research and clinical research report. The doctrinal research and non-doctrinal research must be submiited in printed/type written format and clinical research report may be submitted in hand written format.

R. LL.M.-7 :

A students who has been registered in LL.M. (annual system) shall have maximum of four attempts (1+3) to pass the respective LL.M. Part-I/II during validity of his/her P.G. registration. i.e. a student who has registered for LL.M. Part-I/LL.M. Part-II in the Academic Year 2010-11 the April/May 2014 Exams shall be his/her final attempt in the respective part. Similarly a student who has registered for LL.M. Part-II in the Academic Year 2011-12, his/her final attempt in the respective part shall be April/May 2015 Examination, during validity of his registration April/May 2015 Exams will the last examination for the annual system.

A student who has registered in LL.M. (semester mode) shall have a maximum of 5 attempts (1+4 attempts) to pass the semester, during the validity of his P.G. registration, and till the terms duly granted have not lapsed.

LL.M. Criminal Law (Law & Deviance)

Objectives :

The Indian society has changed very rapidly since Independence. It will not suffice to merely teach substantive criminal law like the Indian Penal Code or procedural law like the Criminal Procedure Code. The types of offences, the methods of dealing with them and the theoretical assumptions underlying them, have all undergone major changes. Moreover, the development of criminal law after Independence has not been in terms of reforms in the IPC or the Cr.P.C. merely, but mainly through new types of legislations such as those concerning, dowry, terrorism, smuggling, prevention of corruption, cyber crimes etc. These laws define new types of crimes, prescribe new types of penalties, new strategies to investigate such crimes, their prevention and prosecution and have different theoretical assumptions such as modification of the basis of criminal liability and on use of proof.

The changes in political, social and economic orders with developments in science and technology, have also brought different types of organized violence which the State has to deal with.

A proper understanding of crimes, methods of investigating and controlling them and the social, economic and political reasons for their existence, is now extremely important, in the larger context of India's development, if the students are to use their knowledge and skills to build constitutionally desired just society.

The curriculum outlined here attempts to bring in these perspectives and orient the teaching to India's new development heads, with international paradigms.

The LL.M. syllabus prepared with these perspectives will be of two years comprising of four semesters with total 96 Credits. Each semester will consist of 24 Credits.

LL.M. will be taught only as full time regular programme as it is an intensive interdisciplinary research oriented programme.

Structure of the LL.M. Programme

CRIMINAL LAW (LAW & DEVIANCE)

Credits for each paper/course	:	4 Credits
Core paper/course	:	4 Credits
Elective papers/courses (Specialization areas)	:	4 Credits

Each semester with minimum 15 teaching weeks will minimum 60 hours of lectures including seminars/assignments. One credit is equal to one contact hour per week.

An academic year is divided into two semesters. The semester period generally shall be

Odd Semester	:	July to November/December
Even Semester	:	December to April/May

Semester - I

C-101	Constitutional Law-I (History of Indian Constitution & Preambular vision)	:	4 Credits
C-102	The Concept of Law (Legal Theory)	:	4 Credits
CLE-201	General Principles of Criminal Law	:	4 Credits
CLE-202	Principles of Criminology (Causation of Crime)	:	4 Credits
CLE-203	Principles of Law of Evidence	:	4 Credits
CLE-204	Comparative Criminal Procedure	:	<u>4 Credits</u> 24 Credits

Semester - II

C-103	Constitutional Law-II (Comparative Constitutionalism & Federalism)	:	4 Credits
C-104	Legal Education and Research Methodology	:	4 Credits
CLE-205	International Criminal Law	:	4 Credits
CLE-206	Forensic Science	:	4 Credits
CLE-207	Cyber Laws and Cyber Crimes	:	4 Credits
CLE-208	Drug Addiction, Human Rights and Criminal	:	

Justice System : 4 Credits
24 Credits

Semester - III

C-105 Law & Social Transformation in India : 4 Credits

C-106 Judicial Process : 4 Credits

CLE-209 Penology and Victimology : 4 Credits

CLE-210 Collective Violence and Criminal Justice System : 4 Credits

CLE-211 Privileged Class Deviance : 4 Credits

CLE-212 Juvenile Delinquency and Juvenile Justice : 4 Credits
24 Credits

Semester - IV

C-107 Practical/Project Work

Class room Teaching : 4 Credits

Each student will be assigned two topics in advance for teaching. The student may select any pedagogical method and shall be assessed accordingly.

Clinical Research Report : 4 Credits

Each students shall have to visit different legal institutions preferably indulging in alternate dispute resolutions, to understand the objectives and functioning of these institutions and their role and contribution in society at large, and shall submit a research report (type written/printed/hand written) for evaluation, not later than 20th April of the respective academic year

Doctrinal Research : 4 Credits

Each student shall submit for evaluation not later than 20th April of respective academic year a doctrinal research (type written/printed) based on doctrinal method of research, taught in the legal research methodology, by collecting secondary data from various primary and secondary sources collating with socio-legal issues.

Non-Doctrinal Research : 4 Credits

Each student shall submit for evaluation not later than 20th April of respective academic year non-doctrinal research (type written/printed) based of non-doctrinal research method, taught in the legal research methodology, by collecting primary data from various sources, using appropriate methods of data collection, collating with socio-legal issues.

C-108 Dissertation & Submission of Thesis : 8 Credits

With the objective to make LL.M. Programme a research oriented programme in Criminal Law (Law & Deviance) each students shall write a thesis selecting any topic from the subjects/courses/papers taught in the first three semesters applying appropriate research method and methodology, and shall submit the same, normally for external evaluation and shall have also to appear for Viva-Voce. The dissertation thesis shall have to be submitted not later than 20th April of the respective academic year.

Semester - I

C-101 Constitutional Law-I

4 Credits

(History of Indian Constitution and Preambular Vision)

1. Equality and Social justice
 - 1.1 Equality before law and equal protection of law-meaning-constitutional provisions - total conspectus.
 - 1.2 Classification for differential treatment - constitutional validity
 - 1.3 Gender justice and empowerment of women
 - 1.4 Administrative discretion and equality
 - 1.5 Compensatory discrimination : justice to weaker sections of the society : SC/ST/OBC
 - 1.6 Strategies for ameliorative justice
 - 1.7 Equality and private discrimination
 - 1.8 Equality and protective discrimination
 - 1.9 Right to Equality : privatization and its impact of affirmative action

2. Freedoms and Social Control
 - 2.1 Freedom of Speech and expression : right to information
 - 2.2 Freedom of Press and Media and challenges of new scientific developments
 - 2.3 Citizen's liberties and restraints, their validity
 - 2.4 Property and Social Control
 - 2.4.1 1950 to 1978
 - 2.4.2 After 1778
 - 2.4.3 from fundamental right to constitutional right
 - 2.5 Right to strike, hartal and bandh

3. Personal liberty
 - 3.1 Rights of accused : double jeopardy, self incrimination, retroactive punishment
 - 3.2 Right to life and personal liberty : meaning, scope and limitations
 - 3.3 Procedure established by law and due process
 - 3.4 Preventive Detention - Constitutional Policy and Constitutional safeguards.
 - 3.5 Right to education : Primary education and higher education.

4. Secularism and Freedom of Religion
 - 4.1 Concept of Secularism and Constitutional Provisions : Historical perspective of Indian secularism
 - 4.2 Non-discriminatory State
 - 4.3 Freedom of Religion : Scope and limits of freedoms
 - 4.4 Religion and State in India : State control and non-interference with religion
 - 4.5 Minority rights : Scope and meaning of minority
 - minority rights to educational institutions

5. Fundamental rights and Directive principles
 - 5.1 Fundamental rights and directive principles - judicial balancing
 - 5.2 Directive Principles : Directions of social change
 - 5.3 Judicial policy towards Directive Principles
 - 5.4 What is State? Meaning, Scope and expansion - need to widen definition in wake of liberalisation.
 - 5.5 What is law? Meaning, Scope and expansion.
 - 5.6 Reading Directive Principles into Fundamental rights
 - 5.7 Emerging of new rights and compensation jurisprudence.

6. Fundamental Duties
 - 6.1 the need and status in constitutional setup
 - 6.2 the relationships of the fundamental duties with fundamental rights and directive principles.

Select Bibliography

- Granville Austine : **History of Democratic Constitution : The Indian Experience** (2000) Oxford : The Indian Constitution : Cornerstone of a Nation (1999) Oxford **Corner Stone of a nation** (1972).
- D.D. Basu, **Constitutional Law of India** : Prentice Hall of India.
- Rajeev Bhargava, **Secularism and Its Critics** (2009) Oxford.
- Constituent Assembly Debates Vol.1 to 12
- Reajeev Bhargava, **Politics and Ethics of Indian Constitution,** Oxford.
- H.M. Seervai : **Constitution of India** : Vol. 1 to 3, Tripathi
- M.P. Singh (ed) **V.N. Shukla's : Constitutional Law of India** (2008) Oxford
- T.K. Tope's : **Constitutional Law of India**
- Marc Gallenter : **Competing Equalities - Law and Backward Classes in India** (1984) Oxford.
- B. Sivaramayya, **Inequalities and the Law** (1984). Eastern.
- M.P. Jain, **Indian Constitutional Law,** Vol. I & II (2010) Lexis Nexis

1. Natural Law
 - 1.1 What is Natural Law? Natural Law and search of absolute values
 - 1.2 Greek origins and Jus Gentium
 - 1.3 Medieval period
 - 1.4 Renaissance, Reformation and counter reformation
 - 1.5 Grotius and International Law
 - 1.6 Natural Law & Social Contract
 - 1.7 Kant and Human Freedom
 - 1.8 The Meaning and Development of Natural Law in Eighteenth and Nineteenth Century
 - 1.9 Fuller and Morality of law
 - 1.10 Hart on Natural Law
 - 1.11 Finnis and Restatement of Natural Law
 - 1.12 Indian concept and perception of Natural law

2. Classical Legal Positivism
 - 2.1 What is legal positivism
 - 2.2 Jeremy Bentham and Utilitarians
 - 2.2.1 Bentham's "of Laws in General"
 - 2.3 John Austin
 - 2.4 Bentham and Austin compared
 - 2.5 Classical Legal Positivism and Indian Legal System

3. Modern Legal Positivism
 - 3.1 HLA and the Concept of Law
 - 3.2 Hans Kelsen and the Pure Theory of Law
 - 3.3 Modern Trends in Analytical and Normative Legal Theory
 - 3.4 John Rawls and Distributive Justice
 - 3.5 Robert Nozick and the Minimal State
 - 3.6 Joseph Raz and the 'Source' thesis

4. Law and Social Theory
 - 4.1 What is sociological jurisprudence and sociology of law?
 - 4.2 Rescoe Pound and Social Engineering
 - 4.3 August Comte and Sociology
 - 4.4 Herbert Spencer and Laissez Faire
 - 4.5 Emile Durkheim and Law and Social Solidarity
 - 4.6 Max Weber and theory of legitimate domination
 - 4.7 Sociological Jurisprudence Since Rescoe Pound
 - 4.7.1 Laswell
 - 4.7.2 McDougal

- 4.7.3 Talcott Parsons
 - 4.7.4 Selznick
 - 4.8 From Sociological Jurisprudence to Sociology of Law
 - 4.8.1 Unger and Development of Modern Law
 - 4.8.2 Michael Foucault
 - 4.8.3 Jurgen Habermas
 - 4.8.4 Autopoiesis
 - 4.9 Sociological Jurisprudence and Indian Perspective
- 5. Legal Realism
 - 5.1 American Realism
 - 5.1.1 Oliver Wendell Holmes
 - 5.1.2 Karl Llewellyn
 - 5.1.3 Jerome Frank
 - 5.1.4 American Realist Method
 - 5.2 The Scandinavian Realism
 - 5.2.1 Alf Ross
 - 5.2.2 Karl Olivecrona
 - 5.3 Comparing American Realism and Scandinavian Realism
 - 5.4 Modern Realism.
- 6. Historical and Anthropological Approaches
 - 6.1 The Historical School
 - 6.1.1 Savigny
 - 6.1.2 Sir Henry Maine
 - 6.2 Anthropological Jurisprudence
 - 6.3 Legal Pluralism
 - 6.4 Historical Perception and Indian Perspective
- 7. Marxist Theories of Law & State
 - 7.1 Marx and Hegel's Philosophy
 - 7.2 Marx and Justice, Morality and Human Rights
 - 7.3 The "withering away of the State"
 - 7.4 Other Marxist thinking
 - 7.5 Marxist Theories of Law and State - a Critique.
- 8. Critical Legal Theory
 - 8.1 Critical Legal Studies
 - 8.2 Postmodern Legal Theory
 - 8.3 Feminist Jurisprudence
 - 8.4 Critical Race Theory

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- Raymond Works, Understanding Jurisprudence (2009) Oxford.
- S.N. Dhyani, Fundamentals of Jurisprudence The Indian Approach (1992) Central Law Agency.
- R.W.M. Dias, Jurisprudence (1994) Butterworth & Co.
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- Wayne Morrison, Jurisprudence From the Greeks to Post-modernism (1997) Lawman (India).
- M.D.A Freeman, Llyod's Introduction to Jurisprudence (1994) Sweet and Maxwell.
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- Yash Ghai et al, The Political Economy of Law, A Third World Reader (1987).
- John Rawls, A Theory of Justice (2000) Universal.
- Jeremy Bentham, Theory of Legislation (1985)
- W. Friedman, Law in a Changing Society (1996) Universal.

1. Nature of Crime
 - 1.1 What is crime?
 - 1.2 Criminal Law and Morality
 - 1.3 Law & Ethics
 - 1.4 Definitions of Crime

2. Historical Outline

3. Penal Law in India
 - 3.1 Religious approaches
 - 3.2 Under the British Rule
 - 3.3 Making of the IPC

4. Constituent Elements of Crime

5. Mens Rea
 - 5.1 Mens Rea in IPC
 - 5.2 Public Welfare Offences & Mens Rea
 - 5.3 Criminal liability of a Corporation

6. General Exceptions
 - 6.1 Mistake of Fact
 - 6.2 Juridical Acts
 - 6.3 Accident & Misfortune
 - 6.4 Infancy
 - 6.5 Insanity or Mental Abnormality
 - 6.6 Intoxication
 - 6.7 Consent and Compulsions
 - 6.8 Trivial Acts

7. Private Defence
 - 7.1 The Right of Private Defence - legislative framework
 - 7.2 General Principles availability and non-availability
 - 7.3 Circumstances and Plea of the right
 - 7.4 Limits of the Rights

8. Attempt
9. Abetment
10. Criminal Conspiracy
11. Joint Liability
12. of Punishments

12.1 Types of Punishments

Selected Bibliography

- P.S. Atchuthen Pillai : **Criminal Law** (1996) M.N. Tripathi
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- K.N. Chandrasekharan Pillai : **General Principles of Criminal Law** (2005) Eastern.
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- T.S. Batra : **Criminal Law Principles of Liability** (1978) Metropolitan
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- Shamsul Huda's : **Principles of Law of Crimes** (with suppl by O.P. Srivastava) Eastern
- O.P. Srivastava : **Principles of Criminal Law**

CLE-202 Criminology (Causation of Crime)

4 Credits

1. The concept of crime
 - 1.1 Notion of deviance and crime
2. Nature and Scope of Criminology
3. Schools of Criminology
4. Individualistic Approaches to Crime-Bio-anthropological theories
 - 4.1 Lombroso
 - 4.2 Modern Crimino-Biological School
 - 4.3 Frustration - Aggression Theories
5. Individualistic Approaches to Crime : Psychodynamic Theories
 - 5.1 Mental disorders and Criminality
 - 5.2 Psychoanalytical theories
6. Environment Approaches to Crime : Socio-legal approaches.
 - 6.1 Social Disorganisation Theories
 - 6.2 Sutherland's Theory of Differential Association
 - 6.3 Anomie
7. Crime and Economic Conditions
 - 7.1 Bonger
 - 7.2 Marxian Approaches
8. Organised Crimes

Select Bibliography

- S.M.A. Qadri : **Ahmed Siddiques Criminology - Problems and Perspectives** (2005) Eastern.
- N.V. Pananjpe : **Criminology and Penology** (2005) Central Law Publications
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- K.S. Pillai : **Theories of Criminology**
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- R.P. Kathuria's : Law of Crimes and Criminology. Vol. I to IV.

CLE-203 Principles of Law of Evidence

4 Credits

1. Central Conceptions in Law of Evidence
 - 1.1 Facts
 - 1.2 Evidence - Oral & documents Admissibility and in admissibility
 - 1.3 Presumption
 - 1.4 Witness
 - 1.5 Appreciation of Evidence
2. Facts : Relevancy
 - 2.1 The Doctrine of Res Gestae
 - 2.2 Common intention-evidence
 - 2.3 The problems of "otherwise irrelevant facts"
 - 2.4 Customs : facts for proof
 - 2.5 Facts concerning bodies - mental state
3. Admission and Confessions
 - 3.1 General principles concerning admissions
 - 3.2 General principles concerning confessions
 - 3.3 admissibility and in admissibility of admissions and confessions
 - 3.4 Comparison
4. Dying Declarations
 - 4.1 the justification for relevance
 - 4.2 judicial standards of appreciation - evidentiary value
5. Other statement by persons who cannot be called as witnesses
 - 5.1 General Principles
 - 5.2 Some special problems
6. Judgments : Relevance
 - 6.1 General Principles
 - 6.2 Admissibility in civil and criminal matters
 - 6.3 "Frand" and "Collusion"
7. Expert Testimony
 - 7.1 General Principles
 - 7.2 Who is an Expert - types of expert evidence
 - 7.3 Problems of judicial defence to expert testimony
8. Oral and Documentary Evidence
 - 8.1 General Principles concerning Oral Evidence
 - 8.2 General Principles concerning Documentary Evidence
 - 8.3 General Principles regarding Exclusion
 - 8.4 Special Problems of Hearing Evidence
9. Witnesses : Examination and Cross examination
 - 9.1 Competence
 - 9.2 Privileges
 - 9.3 General Principles
10. Burden of Proof

- 10.1 General conception of onus probandi
 - 10.2 General and special exceptions to onus probandi
 - 10.3 the justification of presumptions and of judicial notice scope of judicial notice
 - 10.4 justification as to presumption
 - 10.4.1 of certain offences
 - 10.4.2 of dowry death
11. Estoppel :
- 11.1 Meaning Rationale
 - 11.2 Estoppel, Res judicata and waiver; and presumption
 - 11.3 kinds of Estoppel
 - 11.4 Distinction in civil and criminal cases

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- Sarkar and Manohar : **Sarkar on Evidence** (1999) Wadhwa.
- Ratanlal and Dhirajlal : **Law of Evidence**, Wadhwa
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1. Organising of Courts and Prosecuting Agencies
 - 1.1 Hierarchy of Criminal courts and their jurisdiction
 - 1.2 Nyaya Panchayats in India and in Tribal Areas
 - 1.3 Police Prosecutors and Defence Counsels
 - 1.4 Withdrawal of prosecution
2. Pre Trial Procedures
 - 2.1 General Observations
 - 2.2 Steps to ensure accused's presence
 - 2.3 Arrest and questioning of accused-Rights of arrested person
 - 2.4 Search, Seizure and production of materials
 - 2.5 Investigation by Police
3. Trial Procedures
 - 3.1 The Accusatory system of Trial and the Inquisitional system
 - 3.2 Role of judge the prosecutor and the defense attorney
 - 3.3 Cognizance of offences
 - 3.4 Commencement of Trial Proceedings
 - 3.5 Charge and common features
 - 3.6 Disposal of Criminal cases without full Trial
 - 3.7 Plea-Bargaining
4. Bails and Bonds
5. Principal Features of a Fair Trial
6. Trial Procedures-
 - 6.1 Preliminary pleas to bar trial
 - 6.2 Trial before Court of Session
 - 6.3 Trial of warrant cases, summons cases and summary trial
 - 6.4 Trial Procedure and Special Rules of Evidence
7. Judgment
8. Review Procedures
 - 8.1 Appeals
 - 8.2 Revision
9. Transfer of Cases
10. Sentences : Execution, Suspension, remission and commutation of sentences
11. Preventive and Precautionary measures-Special enactments
12. Public Interest Litigations and Criminal justice

The paper will be taught with reference, wherever necessary to the procedures in India, England, US, France, Russia, China and Germany.

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